

EXHIBITS PLAINTIFF'S REPLY TO WP 479

EXHIBIT #31 Plaintiff's deposition pages 124 thru to 130 RE-2012 eBay sale and N. Novocin June 2020 declaration wrong year 1997 not 1977.

EXHIBIT#32 Norb Novocin Deposition page 1with 1997 incorrect year. Pl.Evid 000174

EXHIBIT #33 Red Pencil Signature with wrong spelling ANNA MARIA ...Gifted 1977 Plaintiff Evid. 000165

EXHIBIT#34 Jason Packer Declaration basing data on Plaintiff's website email annamarie@trombettaart.com that was NEVER used to Contact WorthPoint at any time. Plaintiff's website email is public and only used to receive and respond to SENT emails to that address.

EXHIBIT #35 Plaintiff's deposition pages 47-48 and 178 only Yahoo email and Plaintiff's website email not used to contact sources only as a response.

Plaintiff's Statement # 6

EXHIBIT #36 eBay Phone Transcript pages 8, 9 and 19 verified WP website by eBay agents.

EXHIBIT #37 Jan. 14, 2016 Item Review Request on WorthPoint website to remove false 1972 URL Pl. Evid 000285 and Pl. Evid 000286.

EXHIBIT #38A 2016 Jan-thru Feb. Phone calls from Plaintiff with WorthPoint staff Anita Brooks.
38B Pl. Evid 000930 WorthPoint outgoing phone message "looking to buy or sell press 3.

EXHIBIT #39 Plaintiff's deposition pages 195 thru to 200 (See EX. 37)

Plaintiff's Statement #7

EXHIBIT #40 Norb Novocin deposition pages 38-41-43

EXHIBIT #41 A WorthPoint ad and Text Webpage Pl. Evid. 000158 000160
B WorthPoint 2022 SENT email to Plaintiff despite litigation Pl. Evid. 000880

Plaintiff's Statement # 10

EXHIBIT #42 Full eBay phone call transcript confirming 1972 false post on WorthPoint's website.

EXHIBIT # 43 WorthPoint's evidence WP000062, WP000096 and WP0000135 The same email response from Will Seippel is in Plaintiff's Evid.00034 and 000039.

PLACEHOLDER

E Bay.m4a

EXHIBIT 42
#

Page 1

00;00;01;14 - 00;00;06;02

Customer Service

Welcome to e-Bay Customer Service to ensure quality and for training purposes.

Your call may be recorded.

If you're calling because you are unable to access your email account. Please stay on the line for all other inquiries, including password reset. Please call us at 1 8665403 I see you're calling from 212 427-5990

If you'd like me to use that.

Number to look up your. eBay account press 1 But otherwise press two.

Please enter the phone.

Annamarie Trombetta

Well, before I do that, Christine, I have been trying to find out the seller of an item. The item is from December 2012. It's not that long ago. I found it on the Internet. And I don't know how to find out who the seller is.

00;01;06;09 - 00;01;09;22

Christine

You mentioned that you personally found an item in 2012.

00;01;09;26 - 00;01;32;22

Annamarie Trombetta

Yes. It's on a website called Worth Point dot com. When I went on to the membership, there's the source, the amount of money, but the seller is empty. There's no indication as to who the person was who sold this object.

00;01;34;27 - 00;01;44;18

Christine

If I'm going to find that item on your account. So we have the timeframe. For the past two years Or a year. Mm hmm. But I'm afraid. We cannot also give you information that you need regarding that transaction

Annamarie Trombetta

Right. But it's on the Internet. It's on the Internet. I'm going to ask you to Google one 1972 original oil painting man with red umbrella Mm hmm. Thank you.

00;02;58;01 - 00;03;01;08

Annamarie Trombetta

Do you see it ?

Christine

Yes I was able to. Pull up some spreadsheets on it. Trying to search for the 1972 original.Oil painting.Man with the red umbrella.

Annamarie Trombetta

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Mm hmm. Okay. It does say the source is eBay, correct? If you click on to that site and you go to WorthPoint dot com, it says Source eBay. Sold December 1st 2012. Channel online auction

Christine

All right.

00;03;46;16 - 00;03;49;22

Annamarie Trombetta

But it doesn't give the sellers Identification, right?

00;03;50;09 - 00;03;51;28

Christine

Yes. With their I.D. nor, any account related information with The seller.

00;03;58;00 - 00;04;19;00

Annamarie Trombetta

Right. However, I have gone on to this site and the value of the painting was \$181.50. When you go on to the Worth Point membership it gives a dollar amount, but it doesn't give the seller. Why is that?

00;04;26;21 - 00;04;42;20

Christine

Okay, need to get a piece of information For the seller here on eBay. Yeah. And try to we can try to ask if our selling specialist can do something if they have a tool if They can filter the Items that have been listed on the site from that day So if you want, I'm just going to get another specialist who can double check if we can get some seller information and that I don't have a right.

Annamarie Trombetta

Perfect. Thank you.

Christine

I'll be including that title of the item And that amount you said would be \$181.63 and \$0.50. 50. Yeah.

00;05;14;27 - 00;05;37;29

Annamarie Trombetta

I have it you know I have it on a documented that that was the value of the painting related to that item.

Christine

And you mentioned that the date we have here are December 2012 right

Annamarie Trombetta

that is correct.

00;05;38;22 - 00;05;41;02

Ex

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Christine

Ok we should be including complete documentation before I connect you

00;05;42;24 - 00;06;01;01

Annamarie Trombetta

That. Yeah. Please, please forward the the URL and the information that you found online, which is active to the appropriate person.

Christine

Yes, I know what I'm going to do that as well one moment

00;06;06;22 - 00;06;20;09

Annamarie Trombetta

My Name is Anna and my last name is Trombetta .

Christine

ok thank you, and what should be the registered address on your e-bay account?

Annamarie Trombetta

I have no idea.

00;06;24;23 - 00;06;37;03

Christine

Actually. Just provide me the phone number, in fact,

Annamarie Trombetta

For the account.

Christine

Yeah,

Annamarie Trombetta

it's phone number. Yeah, it's 212 427-5990,

Christine

ok thank you so much

Anna do you remember. the zip code of your Address on 96th Street East 96th

00;06;54;16 - 00;07;13;19

Annamarie Trombetta

yes. Of course. It's 10128. That information has. It's in the system because in order for me to get to you, they confirmed all that

Christine

All right, great. So I was able to put a complete notation about your concerns for today Now let's try to you ask somehow from our online site Specialist who can double check and look at the Information that you need

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SECOND EBAY CUSTOMER SERVICE REPRESENTATIVE

00;07;23;02 - 00;07;24;10

Ebay Customer Support

Customer support Can I have your first and last name please

00;07;25;01 - 00;07;29;25

Annamarie Trombetta

Yes, it's Anna Trombetta. I'm trying to get information. Yeah.

00;07;30;19 - 00;07;31;26

Ebay Customer Service

How can I help you

00;07;32;27 - 00;07;37;14

Annamarie Trombetta

Information was forwarded to you. Yes or no?

00;07;39;00 - 00;07;40;19

Ebay Customer Service

There was no information yet provided.

00;07;41;24 - 00;08;32;11

Annamarie Trombetta

Okay. And I am interested to find out who the seller is of an item. I'm going to ask you to Google on 1972 original oil painting man with red umbrella. And what comes up is a website to Worth Point dot com. And the reason for me calling you is that the seller information is it's not visible. So I'm calling to find out if you can inform me who the seller was if you Google 1972 original oil painting man with red umbrella.

00;08;35;28 - 00;08;41;20

Ebay Customer Service

Now I forget you right person you actually requested me search information on eBay for that item

00;08;41;20 - 00;09;40;08

Annamarie Trombetta

Yes. Because I contacted the user agency. Yeah. Because there is no seller ID and I contacted Worth Point and they said that I would have to contact eBay in order to find out who the seller was. So it's on the internet it says that the source is eBay and that it was sold in December of 2012 and I actually know the value of the sale, which was \$181.50 but even though the sale was posted when I went on to the membership for Worth Point, what is not there is the seller ID and when I contacted Worth Point they said I have to contact eBay.

00;09;41;25 - 00;09;53;23

Ebay Customer Service

No further information I'll let you know that worked at providing personal information to a buyer on the account because they also try to protect sellers who buy this

00;09;53;23 - 00;09;58;10

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Annamarie Trombetta

well, how would I be able to obtain that information

00;09;59;10 - 00;10;05;26

Ebay Customer Service

Normally you try to provide

The title of the item here, there are a lot of sellers that are actually selling the item as well in the account.

00;10;06;25 - 00;10;10;07

Annamarie Trombetta

There's a lot of sellers selling the item on the account.

00;10;10;29 - 00;10;33;04

Ebay Customer Service

Just making sure that the right title that you provide to me in 1972 the original oil painting man with red umbrella. Yes right when I try to search that up eBay accounts here. There's a lot of information showing up so we actually cannot offer exactly the sale you're talking about here because there are a lot of sellers who are selling the same item as well.

00;10;35;05 - 00;10;47;05

Annamarie Trombetta

Right but this one says 1972 and you just googled and it came up in the in the search bar did it not?

00;10;47;26 - 00;10;51;10

Ebay Customer Service

Is there a way that you could pick up the title of the item and you can see the item number.

00;10;52;22 - 00;10;58;26

Annamarie Trombetta

The item number is it's only a nine digit item number on Worth Point.

00;10;59;29 - 00;11;00;19

Ebay Customer Service

It's supposed to be 12 digits maam

00;11;02;01 - 00;11;13;04not

Annamarie Trombetta

Yeah I know I it's only nine digits. So what I'm trying to find out is if there actually was a seller or who the seller was.

00;11;17;00 - 00;11;25;27

Ebay Customer Service

Because when they tried to provide that information to the other search bar on eBay, I just have a random listed item here showing up.

00;11;26;06 - 00;11;26;18

Ebay Annamarie Trombetta

Yes.

00;11;27;27 - 00;11;31;19

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Ebay Customer Service

But I can't actually provide you some personal information on the seller's account.

00;11;31;23 - 00;11;55;00

Annamarie Trombetta

OK, so again the title of the piece is 1972 Original Oil Painting Man with Red Umbrella. If you Google that, if you put up pull up another page and you Google that 1972 original oil painting man with red umbrella.

00;11;58;01 - 00;11;59;05

Ebay Customer Service

red umbrella.Right?

00;11;59;05 - 00;12;14;00

Annamarie Trombetta

Right Just Google that 1972 original oil painting man with red umbrella signed Annamarie Trombetta

00;12;14;00 - 00;12;14;22

Ebay Customer Service

Google.not eBay.

00;12;15;07 - 00;12;16;13

Annamarie Trombetta

Google. Correct.

00;12;21;22 - 00;12;23;20

Ebay Customer Service

So a lot of information showing up here.

00;12;24;09 - 00;12;24;18

Annamarie Trombetta

Right. 1972 original oil painting man with red umbrella and underneath it says www.worthpoint dot com.

00;12;37;00 - 00;12;37;25

Ebay Customer Service

Worth Point.

00;12;38;08 - 00;12;40;18

Annamarie Trombetta

Yes. That's the one you want to click on to.

00;12;41;10 - 00;12;43;20

Ebay Customer Service

I think that it's actually not eBay.

00;12;44;07 - 00;12;51;08

Annamarie Trombetta

Correct but click on to it if you click on to it. Did you.

00;12;52;25 - 00;12;57;24

Ebay Customer Service

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I tried to do that on the web and it provided me a lot of information.

00;12;57;24 - 00;13;07;22

Annamarie Trombetta

correct And it says source eBay and it's highlighted. So when I click on to eBay, it goes to the eBay website.

00;13;10;16 - 00;13;14;08

Ebay Customer Service

Where if there you go, it's Worth Point, right?

00;13;14;13 - 00;13;16;06

Annamarie Trombetta

Correct. Worth Point.com

00;13;17;03 - 00;13;32;26

EBay Customer Service

It's actually a different selling page it's essentially a third party application from eBay as well let me check, it's actually a third party app. It's a marketplace. It's not from eBay.

00;13;33;17 - 00;13;36;02

Annamarie Trombetta

I know it's not from eBay. It's from Worth Point.

00;13;37;04 - 00;13;42;18

EBay Customer Service

Yeah. And it's not showing up here. Yes the source, is actually ebay if you have provided that Right,

00;13;42;18 - 00;13;43;11

Annamarie Trombetta

right. So you're on the Worth Point website right now with and you're looking at a picture of it looks like a canvas and it says A. Trombetta

EBay Customer Service

yes Maam

Annamarie Trombetta

and it says 1972 original oil painting item category source is eBay sold December 1st 2012. The channel is online auction. But what I need to do is find out or I need to be informed how can I find out who the seller was.

00;14;18;21 - 00;14;37;28

EBay Customer Service

So let me see if I can actually have the tool to actually provide that information but if we have that information here on my end we're not actually allowed to provide a personal information. All right. Because that's only part of how the seller's protection.

Annamarie Trombetta

OK, well

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Pages

EBay Customer Service

We can only provide if we have an item number. I can provide the item number. All right.

00;14;38;18 - 00;14;41;13

Annamarie Trombetta

Thank you

EBay Customer Service

please. Stay on the line.

00;14;41;13 - 00;14;41;26

Annamarie Trombetta

I will.

00;14;42;18 - 00;14;43;10

EBay Customer Service

I will Be placing you on hold.

00;14;43;19 - 00;14;45;01

Annamarie Trombetta

Thank you. Thank you.

00;14;46;11 - 00;14;48;06

EBay Customer Service

Thanks so much for staying on line here Anna

00;14;48;08 - 00;14;49;15

Annamarie Trombetta

Yes. And your name?

EBay Customer Service

Yeah, my name is Jamie.

00;14;53;05 - 00;14;57;27

Annamarie Trombetta

Jamie. Jamie, what do you mean by it was a third party seller.

00;14;58;17 - 00;15;01;06

Jamie EBay Customer Service

Um, it's like they're using a third party application.

00;15;02;18 - 00;15;03;10

Annamarie Trombetta

Who is using.

00;15;03;10 - 00;15;09;11

Jamie EBay Customer Service

A open third party apps on their account. And regarding that, that is actually not from ebay anymore.

00;15;09;17 - 00;15;12;14

Annamarie Trombetta

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OK, it's not from eBay, is it from WorthPoint?

00;15;13;08 - 00;15;22;00

Jamie eBay Customer Service

Yeah. And I tried to get in touch with one of the experts regarding it, and they have informed me that if you want to go ahead and get some information on who is selling the item.

00;15;22;08 - 00;15;22;26

Annamarie Trombetta

Yes,

00;15;22;27 - 00;15;25;21

Jamie eBay Customer Service

you can Get in touch with Worth Point and we do have their phone number.

00;15;26;21 - 00;15;36;16

Annamarie Trombetta

OK, hold on one second. Yes, I'm listening. What is it?

00;15;36;21 - 00;15;45;22

Jamie eBay Customer Service

Okay. The phone number for **WorthPoint** contact information. Customer service will be 877 481-5750.

00;15;46;12 - 00;15;56;24

Annamarie Trombetta

Well, I did call them and they said that I had to get in touch with eBay because if they don't sell anything, they're a database. So I keep going back and forth.

00;15;59;16 - 00;16;10;12

Jamie eBay Customer Service

Let me try see at our end to maybe they provided information like a third party app to give it to me tried to go ahead and provide that information here on eBay.

And do it again. OK,

Annamarie Trombetta

OK. Because I still don't understand what you mean by third party. You're saying that it is the responsibility of WorthPoint to have that information.

Jamie eBay Customer Service

Yes Maam

Annamarie Trombetta

Well, again, Worth Point keeps telling me that since they don't sell anything and that it was sold on eBay in 2012 that you would be the source of the seller Id.

00;16;42;26 - 00;16;55;26

Jamie eBay Customer Service

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The item has already been sold here on ebay What I have tI try to pull up an equal tag on the item on worth point I tried to search for some type of searching not just eBay and it's actually not showing up.

00;16;56;04 - 00;17;03;26

Annamarie Trombetta

Well what if what if that information is not true what if it wasn't sold on eBay ?

00;17;05;14 - 00;17;10;20

Jamie eBay Customer Service

The item is already listed here on ebay here. It will still show on the ebay Web site.

00;17;10;22 - 00;17;14;07

Annamarie Trombetta

Even though it's from 2012

00;17;14;07 - 00;17;26;15

Jamie eBay Customer Service

still that Beyond I mean that would information fully deleted if it still we only can do something about it if the item activated on the account of what you sold the company a mxsimum of 60 ?days

00;17;28;15 - 00;17;47;28

Annamarie Trombetta

A maximum of 60 days so how do you know again how can I find out who the seller is from 2012? Is it possible? Do you have the data stored. Is there a particular person or department that I have to contact in order to acquire that information.

00;17;49;10 - 00;17;55;21

Jamie eBay Customer Service

On my end I don't have the actual tool to ah provide ah actually provide or see that information at my end

00;17;55;29 - 00;17;56;11

Annamarie Trombetta

Right.

00;17;56;20 - 00;18;07;29

Jamie eBay Customer Service

And of a handful of limited access. But let me see if I can get in touch. You can go back to one of my expertise department here and see if they have a different department to actually search that item, ok

00;18;07;29 - 00;18;11;04

Annamarie Trombetta

OK. Thank you very much.

00;18;11;04 - 00;18;12;08

Jamie eBay Customer Service

No Problem I'll be putting you back on hold ok Anna

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00;18;12;08 - 00;18;16;28

Annamarie Trombetta

Yes. Thank you, Jamie. Thank you. Like awaiting it. Yes. Jamie.

00;18;18;08 - 00;18;20;22

Aldrin

Yeah. Yeah. This is Aldrin. Jamie's supervisor.

00;18;21;01 - 00;18;22;27

Annamarie Trombetta

Oh, Aldrin's ok. Yes.

00;18;23;22 - 00;18;26;18

Aldrin

I was told this is this will be with one of your items, which is basically I tried pulling up that specific website. as advised by Jamie ..you know.. was looking at the information provide me was sold for December 1, 2012. and you're not the one who sold this item.

00;18;44;21 - 00;18;59;21

Annamarie Trombetta

I am not the one who sold this item I'm actually the one that the painting is being attributed to it says signed Annamarie Trombetta I'm Annamarie Trombetta

00;19;01;26 - 00;19;09;06

Aldrin

There I now see, alright then let's try look at all the best options for us to pull up the item here on my end to get all the information about the seller so that I can try to track..

00;19;09;06 - 00;19;50;25

Annamarie Trombetta

Right, so who the seller is because there is the source is named eBay even though it's on worthpoint.com's website the source is eBay. And when you click on to that source that highlighted eBay goes straight to the eBay website but it's it's a circle it doesn't even though I went online to try and find out the price which is \$181.50, the seller identification was absent.

00;19;57;08 - 00;20;07;13

Aldrin

Again further information so that I can try to track more details about the item OK try and check and find the and pull up the item number or what not.

That's the only way for us to get the details from the seller And based on Price Point website and let me further check here on my end.

00;20;19;10 - 00;20;20;06

Annamarie Trombetta

OK, thank you.

00;20;21;18 - 00;20;24;11

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Aldrin

You're Welcome let me place you hold for one or two minutes I'll get back to you.

Annamarie Trombetta

Very good. Thank you. Aldrin

00;20;26;08 - 00;20;32;08

Aldrin

Yeah This is Aldrin OK. Yeah, I tried everything here on my end to possibly pull up details of this listing going back to the possible date specifically December of 2012 of what was sold on that date and I don't see anything here on my end Here's what we're going to do..

Annamarie Trombetta

Yes

Aldrin eBay Supervisor Specialist

Okay We have a listing department here before making sure taking care of reporting listing status members trying to check on listing things for corporate purposes and Stuff like that we might have further details about this item that was sold way back in 2012. Because as far as history is concerned here on my end I only have a limited time frame.

00;21;13;13 - 00;21;13;26

Annamarie Trombetta

OK.

00;21;14;13 - 00;21;19;17

Aldrin

However, listing policy at Worthpoint might have a way to gather more information about it

00;21;20;00 - 00;22;02;06

Annamarie Trombetta

Is there anyone that I could contact or write to? Because again, when I called initially, it's just the nine digit code. The code on the URL for WorthPoint it's wortheopedia 1972 to oil painting man red and it's 48924172 but that's only nine digits you're. Yeah Jamie was telling me that it's a 12 digit item number that you can look information up with is that correct exact.

00;22;02;22 - 00;22;08;26

Aldrin

Item numbers right I mean items registered on the website for ebay will be consisting of 12 numbers and that's.

00;22;12;05 - 00;22;30;03

Annamarie Trombetta

Yeah I was going to say even in 2012 that was the standard policy that all the inventory numbers were 12 digits because this is from 2012. Could it be that that's why it's only nine digits

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00;22;30;04 - 00;22;46;26

Aldrin

Not Necessarily it has been standardized since then. So that will be like for you. I need to get that standard number for item numbers at least 48924172 and this will be associated with WorthPoint item numbers.

00;22;47;00 - 00;22;47;13

Annamarie Trombetta

Okay.

00;22;48;29 - 00;23;33;27

Aldrin

So since it's on your website might have been login register between that specific series of numbers. OK, but do further check on this I'll be needing. to go up to our Listing Policy Department, you know, I'd be looking further into it Together with that if you have access beyond the items that we have here on eBay, all the reports, all the details of the left bank that he might have even requiring this particular item for documents for COPYRIGHT purposes like listing items like this very easy or whatnot, most likely the seller of items was required to provide us (eBay) with documents updated to make sure for us as well that items which We know

Annamarie Trombetta

Right

And so I can give you just stay the line for me for a couple of seconds for Our Listing Policy department,

Annamarie Trombetta

listing policy department. Thank you.

Aldrin

And you're welcome stay on the line please.

00;23;51;15 - 00;23;54;22

Annamarie Trombetta

I shall

FOURTH EBAY SPECIALIST

00;23;55;22 - 00;24;02;22

Archer

Your name please..

Annamarie Trombetta

your name is Arthur

Archer

Archer.

Annamarie Trombetta

Archer. OK, and what department are you from? From eBay?

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00;24;02;29 - 00;24;05;03

Archer

I'm from the Internet listings

00;24;05;24 - 00;24;17;11

Annamarie Trombetta

OK, my name is Anna Trombetta. I'm calling about a did did the Aldrin tell you what this was in reference to.

Archer

Yes, that there's Some notes from the previous job let me check take that first ok

Something here to get details about the seller. One of your items shows it was bought last in 2012 ??

00;24;33;20 - 00;24;55;23

Annamarie Trombetta

That is yes it's if you Google 1972 original oil painting man with red umbrella if you Google that what will come up is the link and then it's connected to a website called. Worthpoint.com

Are you there ?

00;25;00;15 - 00;25;10;03

Archer

Yes I was provided that link It's showing me coming 1972 original painting man with red umbrella signed saying ok yeah tell me more about this let's go over this.

00;25;10;16 - 00;25;45;01

Annamarie Trombetta

Ok well the item category and the seller is not visible. The source is eBay. When you click on to the eBay logo, it goes straight to the eBay website and it says that it was sold December 1st 2012 and that the channel is an online auction. It gives a very detailed description of the painting, its states, the size and the, the condition of it. It's supposed to have been damaged. And then it also gives the biography of the artist. So what I'm trying to find, since it has been duly documented on this Worth Point website that it was sold in December 1st of 2012. What I did was I went on to the Worth Point website, it's valued at \$181.50, but it doesn't reveal the seller. So what I'm trying to do is track down the seller Identification

Hence the reason why I'm talking to you Archer

00;26;28;27 - 00;26;33;02

Archer

I am OK are you the one who painted this.

00;26;35;04 - 00;26;49;21

Annamarie Trombetta

Well somebody's saying that I painted it but I don't recall painting it and I, I looked to check to see the picture of it and there aren't pictures, but there's a picture of a signature.

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00;26;52;14 - 00;26;57;19

Archer

That is true but somebody that's absolutely clear. You wanted to report somebody using your name to sell this painting correct

00;26;59;00 - 00;27;08;24

Annamarie Trombetta

well, somebody sold it and they sold it for \$181, and I need to know who sold it. And I'm checking with you to find out if there's any documentation of the sale, because when you go on to Worth Points membership, there's a dollar amount associated with the sale of this painting, and it's duly documented on the website, whether you're on the membership or not. That it is the source of the sale is eBay.

Archer

That is true Here's the thing we only recover or we only save information for up to 18 months. So one year and a half of information after that those information can no longer receive even if you can get the item number.

So It's not going To show And so my point that this has been sold for like three years

00;28;14;03 - 00;28;54;16

Annamarie Trombetta

Yes but your company eBay is associated with this website which is associated with me so whatever your policies are, that's your policy. OK, I'm just trying to find out who the seller is. Now, when I spoke to Aldrin, he said that you have information on file do you have a database back to 2012? Can you access that information? Is there a way to access that information?

00;28;58;13 - 00;29;06;01

Archer

No We can't save three years of information, so I might actually delete the specifics for again a year and a half.

00;29;06;15 - 00;29;47;16

Annamarie Trombetta

So you're saying that you're associating your company... eBay is associated with and now I'm associated with Worth Point and eBay and you have no way possible of telling me who the seller was because this potentially could be a fraudulent piece of artwork that was sold and attributed to meSo that's why it is vital for me to find out who the seller is.

00;29;53;20 - 00;30;02;15

Archer

As much as I would like to Share those information to you. We can no longer go back to three years information and that's a system limitation.

00;30;03;06 - 00;30;20;12

Annamarie Trombetta

Well even though it's a system limitation, there has to be a way to if that and if that information is limited why is it up on the Internet now?

Ex # 42 Page 16

Archer

Only by the time it was created, it just copied all the description they had on their database and on their system, I mean, we no longer have a copy of this because they don't release any information. It's still up there. That's what I think that that happened

00;30;41;00 - 00;30;41;16

Annamarie Trombetta

That's what you think

00;30;41;16 - 00;30;51;21

Archer

they didn't even provide any item number. Supposedly, there's an item I don't know when we can at least check the the data was created, those kind of things.

Annamarie Trombetta

Well, can I ask you, was it sold on eBay as they are stating the source To be

Archer

To be honest, that's fine. I can't even check it's undefined.

00;31;04;09 - 00;31;20;00

Annamarie Trombetta

OK, it's undefined. So how do I know what the painting looks like? And if it was one of mine ? hello?

00;31;20;29 - 00;31;38;17

Archer

Yeah, I'm just looking at something. Have you tried checking to see if there's a way for you to check with WorthPoint, So for them to get back with their own information, as I see here that it only shows one photo right ?

00;31;39;16 - 00;31;42;24

Annamarie Trombetta

It shows the photo of a signature

Archer

of a signature. So I don't think. Cause it's been more than a couple of years. It's showed up here on their site. On eBay we really really cannot get this information anymore. Even if you have the item numbers is an information now, has it taken up? Oh.

00;32;03;21 - 00;32;24;25

Annamarie Trombetta

I have tried calling them. And they specifically said to me, we don't sell anything. We're a database and you need to contact eBay because it was sold online through eBay. OK. And now you're telling me to contact them

00;32;25;07 - 00;32;32;28

Ex #42 Page 17

Archer

If you click their store And it says eBay it's only going to redirect to eBay website But even not showing up the item specifically itself

00;32;32;28 - 00;32;42;05

Annamarie Trombetta

That's correct. Did you click on to the eBay link? Yeah, yeah, yeah. And it goes to the current eBay listing is that not correct?

00;32;43;03 - 00;32;53;16

Archer

That's correct. Technically I can't confirm if it's purchase or sold that was I sold on eBay yet.

00;32;53;28 - 00;33;21;02

Annamarie Trombetta

You can't confirm . OK, so then how do I know if you can't confirm it? I can tell you that that is not my signature. That I can tell you I don't sign my name that way. So whoever took that picture, whoever posted that picture is not revealing the truth. So if that's I know that's not my signature.

I don't know what the painting looks like, but it is definitely my biography that is so specific that I know it to be me. So basically what you have here is a fraudulent attribution now, is there anyone in the legal department that I can speak with regarding this to try and find out.. You're telling me that you don't have data longer than 18 months, is that correct? Excuse me?

00;34;00;08 - 00;34;02;12

Archer

Yeah that is true but if I only have an item number I really can't check't ...if there is an item number then we can try to check

00;34;02;23 - 00;34;20;26

But based on WorthPoint's information it was purchased or sold on eBay . Nothing is showing up here no item number no transaction number not even a link to the original ah sales website.

00;34;21;07 - 00;34;48;21

Annamarie Trombetta

Well who is responsible for the linking to eBay ?In other words, the item is on Worth Points website and there is a link that goes directly to eBay. Who's responsible for that link? You've given Worth Point permission to do that?

00;34;49;02 - 00;34;59;19

Archer

It shows up here that eBay as a partnership with WorthPoint So there's a possibility that the person who owns a WorthPoint account links it's item to this website.

00;35;02;00 - 00;35;05;26

Annamarie Trombetta

EY#42 Page 18

OK, so you have a working relationship.

00;35;09;15 - 00;35;10;28

Archer

That's what is showing up in here, but it's...I. You know, to be honest, this is the first time I... I had this WorthPoint website open.

00;35;19;06 - 00;35;57;20

Annamarie Trombetta

OK? And again, all I can tell you is that I contacted WorthPoints and they said that they don't sell anything. It's it was sold on eBay. What is it for? It's yes. I don't know specifically. I was told that it's a database that ...that people go to to see the value of info of paintings, antiques, artifacts, anything that's for sale. I know as much as you do, sir. I was told to call eBay in order to find out who the seller was. But since I can't find out who the seller was because of the limited database, that eBay has, how... how old is the company? I how old is eBay?

00;36;24;05 - 00;36;27;04

Archer

Since I believe it's 1997 or 1996

00;36;28;03 - 00;36;37;14

Annamarie Trombetta

1996. So it's a 20 year old company and, and basically you're telling me that you don't have a database for all the items that you sell.

00;36;41;16 - 00;37;15;02

Archer

We have databases to see specific information for specific period of time. Right. Yeah. There's a lot of sales there's a lot of information that can be seen.

So there's a time frame, so how long we can see those information that are on our website if there's only an item number showing up here, they cannot be searched as to when the item was first listed or the date of the item was ended but I don't get the information that I can get if you have an item number.

00;37;15;24 - 00;37;16;18

Annamarie Trombetta

So your telling me That because there isn't an item number. It's now impossible for you to find out who the seller is.

00;37;26;21 - 00;37;43;02

Archer

Basically yes it is possible If we search for this title and the search results on ebay. I mean, I know I mean, normally if an item gets sold, it's only going to show up at the website for six months 60 days rather...60 days.

00;37;43;03 - 00;38;10;22

Annamarie Trombetta

I understand. I understand the concept this, but for someone to have for WorthPoint, to have the permission to put eBay on to the source, then

Ex #42

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indirectly or directly, eBay is connected and responsible for the information

00;38;11;21 - 00;38;25;15

Archer

Possible Yes. So that can be true that if this owner who created this part of their Web site didn't provide any ah.. specific information. They just copied what was under this description it's impossible for us to check or confirm

00;38;27;26 - 00;38;31;26

Annamarie Trombetta

It's possible or impossible

00;38;31;26 - 00;38;32;28

Archer

Impossible,

00;38;33;22 - 00;39;19;23

Annamarie Trombetta

Impossible So basically what I have is ah it's basically copyright infringement. Your Web site has a great deal of information regarding copyright infringement. In other words, WorthPoints. And eBay is associating my name because it says it right in the title. Annamarie Trombetta. Is it possible for eBay to take this down since you say you don't know who the seller is and it's impossible for you to find out who the seller was? Is it possible for youfor eBay . . .to take this off the Internet?

00;39;26;21 - 00;39;39;06

Archer

We can but you have that option because it bears your name in their site. You can request for Worth point to remove this breach on their site. It's on their site.

00;39;39;06 - 00;39;58;06

Annamarie Trombetta

So it's my responsibility. Now, to have WorthPoint, take it down, but it's associated with eBay because there's a link to eBay. So does eBay have any responsibility in in.. assisting me with taking this down.

00;39;58;29 - 00;40;11;18

Archer

If it's free If we really have a specific link for the sale.. all right... It only shows the link of the home page of eBay. Having it confirmed that it's sold on eBay. But if it shows a source which it's UNDEFINED it's only a website It's only a page . . It's a homepage So let's say if we have a partner to this website.. right?

00;40;26;09 - 00;40;32;03

Annamarie Trombetta

It's a home page, but then it clicks on to the actual website of eBay.

EX-42

Page 20

You know if you want this page to be removed you should contact WorthPoint it's on their Web site. The page is associated with this but we Don't have the right to remove this page

00;42;47;18 - 00;42;54;25

Annamarie Trombetta

You don't have the right to remove the page.

Archer

No,

Annamarie Trombetta

but it's it's linked and it's linked to eBay.

00;42;58;01 - 00;43;09;25

Archer

But it's copyrighted to your name and you have all the right to request and remove it this page?

00;43;09;26 - 00;43;27;06

Annamarie Trombetta

Sir The purpose of my call is to get this off the Internet. This has been going on since August 2015. It is now December. I keep contacting Worth Point and they're telling me to contact you. I have no idea what's true and what's not.

SUDDEN HANG UP AND SOUND DIAL TONE BEEPING



Jason Packer <jason.packer@worthpoint.com>

EXHIBIT #43

RE: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

(1)

9 messages

Will Seippel <will.seippel@worthpoint.com>

Sat, Feb 20, 2016 at 10:35 AM

To: Annamarie Trombetta <trombettaart@yahoo.com>, will@worthpoint.com, Jason Packer <jason.packer@worthpoint.com>

Cc: Worthpoint Support <support@worthpoint.com>

Hi, Annamarie. The art world is a very dark world and it is our goal to remove as many shadows as possible and supply equal information, and a lot of it, to all. To achieve this goal many auction houses allow us to use their data, including eBay.

We unfortunately do not take the data from eBay you are asking for. We only obtain selling price, pictures and the description. We do not obtain sellers, buyers and all such information you are asking for. I am sorry we do not do that but we never had and it is more information than we are allowed to collect. I do not think that data actually exists anywhere at this point as we are the only persons that have saved this to my knowledge. Since you are the artists, and I have no reason to doubt that, and you feel this is fraudulent, we will remove the item from the site so that it does not mislead anyone on your paintings.

If I can be of any other help, please let me know.

From: Annamarie Trombetta [mailto:trombettaart@yahoo.com]

Sent: Saturday, February 20, 2016 10:24 AM

To: will@worthpoint.com

Cc: Worthpoint Support <support@worthpoint.com>

Subject: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

Dear Mr. Seippel and Mr. Watkins,

Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Worthpoint" with your company logo in yellow next to it. This is not my signature. **Please see attachments.**

On February 3, 2016 I spoke with Mr. Gregory Watkins. Mr. Watkins also stated that you were at a conference in Las Vegas. I asked Mr. Watkins certain questions regarding the artwork falsely attributed to me. I requested that he e-mail me his answers regarding these questions that I had about this artwork on Tuesday February 3, 2016. Today is February 20, 2016 and nothing has been forwarded to me. I have contacted eBay several times prior to contacting your company.

WP000062

EXHIBIT # 43



Jason Packer <jason.packer@worthpoint.com>

RE: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

9 messages

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To: will@worthpoint.com

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WP000096

EXHIBIT #43



Jason Packer <jason.packer@worthpoint.com>

RE: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

9 messages

Will Seippel <will.seippel@worthpoint.com>

Sat, Feb 20, 2016 at 10:35 AM

To: Annamarie Trombetta <trombettaart@yahoo.com>, will@worthpoint.com, Jason Packer <jason.packer@worthpoint.com>

Cc: Worthpoint Support <support@worthpoint.com>

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If I can be of any other help, please let me know.

From: Annamarie Trombetta [mailto:trombettaart@yahoo.com]**Sent:** Saturday, February 20, 2016 10:24 AM**To:** will@worthpoint.com**Cc:** Worthpoint Support <support@worthpoint.com>**Subject:** Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

WP-135

Dear Mr. Seippel and Mr. Watkins,

Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Worthpoint" with your company logo in yellow next to it. This is not my signature. **Please see attachments.**

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eBay stated that they do not have the name of the seller nor the name of the buyer or the listing for this painting. eBay expressed several times to me that I need to contact Worthpoint since the listing is on your site..

There are still listing for Worthpoint.com under my name. Under google search for the painting "1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta there is a link entitled **Marilyn Monroe 1988 Vintage Michael Ochs Archive and also Thomas Kinkade**. Both Worthpoint sites list 1972 Original Oil Painting Man with Red

WP000135

Plaintiff 000034

RE: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

Annamarie .../Inbox



Will Seippel <will.seippel@worthpoint.com>
To: 'Annamarie Trombetta'



Sat, Feb 20, 2016 at 10:36 AM

Hi, Annamarie. The art world is a very dark world and it is our goal to remove as many shadows as possible and supply equal information, and a lot of it, to all. To achieve this goal many auction houses allow us to use their data, including eBay.

We unfortunately do not take the data from eBay you are asking for. We only obtain selling price, pictures and the description. We do not obtain sellers, buyers and all such information you are asking for. I am sorry we do not do that but we never had and it is more information than we are allowed to collect. I do not think that data actually exists anywhere at this point as we are the only persons that have saved this to my knowledge. Since you are the artists, and I have no reason to doubt that, and you feel this is fraudulent, we will remove the item from the site so that it does not mislead anyone on your paintings.

If I can be of any other help, please let me know.

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Sent: Saturday, February 20, 2016 10:24 AM
To: will@worthpoint.com
Cc: Worthpoint Support <support@worthpoint.com>
Subject: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

EXHIBIT
#43

Dear Mr. Seippel and Mr. Watkins,

Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Watkinson"

Plaintiff 000039

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

This is by Annamarie Trombetta. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her from off AskArt as they got it from her website: Annamarie Trombetta (1963 -) Lived/Active: New York The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descendent roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog was either created en plein air or from the subject directly. My journey to becoming an artist began many years ago. The consanguineous roots of my Italian family tree provided me with an innate constitution for my artistic profession. When I was a tiny seed of contemplative thought, my artistic nature began to sprout interest while gazing up at the ceiling paintings in a neighborhood church named Regina Pacis, meaning Queen of Peace. The church located in Brooklyn, NY features ceiling paintings, sculptures, marble interiors, and incorporates architectural elements for the façade and the belfry that are of Italianate design. Before the age of three I was able to surmise that the church in the ceiling painting was indeed the church I was in. The visual stimulation was a form of education. It fostered my sense of perception which became my strongest mode for acquiring knowledge. As the years unfurled, my family moved to Staten Island. At this time it was a scenic field of luminosity, lush vegetation and a harbor view complete with sail boats and small yachts. A few years after we moved my tree of life was in jeopardy of losing a limb. What appeared to be a swollen leg was indeed a cancerous tumor. It was an almost fatal or perhaps even a fated occurrence in my life. The struggle to survive the experience was lightened by my imagination and by my artistic ability to create. I seriously thought I would go into medicine but the posters and paintings in the hospital and doctor's office held my attention more intensely. I began my formal training at The Brooklyn Museum School of Art while I was in high school. The exposure to various forms of art inspired me to expand my horizons and in the early Eighties I traveled on a summer tour to Europe. The tour comprised of six countries; Germany, Austria, France, Italy, Switzerland and England. Viewing so many different cities and cultures in a concentrated period of time...

EXHIBIT

From: Will Seippel <will.seippel@worthpoint.com>

Date: Sat, Feb 20, 2016 at 10:35 AM

To: Annamarie Trombetta <trombettaart@yahoo.com>, will@worthpoint.com, Jason Packer <jason.packer@worthpoint.com>Cc: Worthpoint Support <support@worthpoint.com>

#43

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